## IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:11cv599

ELLEN A. CLEMENS,	)	
	)	
Plaintiff,	)	
	)	MEMORANDUM
Vs.	)	OF DECISION
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	
	)	

THIS MATTER is before the court on the plaintiff's Motion for Summary Judgment (#7) and defendant's Motion for Summary Judgment (#8), and the Memorandum and Recommendation (#10) of Honorable David S. Cayer, United States Magistrate Judge, regarding the disposition of those motions.

Pursuant to 28, United States Code, Section 636(b), Judge Cayer was designated to consider these pending motions in the above captioned action and to submit to this Court a recommendation for the disposition of these motions. On April 24, 2012, Judge Cayer entered the Memorandum and Recommendation containing proposed conclusions of law in support of his recommendation concerning such motions. The parties were advised that any objections to the Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. No written objections to the Memorandum and Recommendation have been filed.

The Federal Magistrates Act of 1979, as amended, provides that "a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). However, "when objections to strictly legal issues are

raised and no factual issues are challenged, *de novo* review of the record may be dispensed with." Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir.1982). Similarly, *de novo* review is not required by the statute "when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge's proposed findings and recommendations." Id. Moreover, the statute does not on its face require any review at all of issues that are not the subject of an objection. Thomas v. Arn, 474 U.S. 140, 149 (1985); Camby v. Davis, 718 F.2d at 200. Nonetheless, a district judge is responsible for the final determination and outcome of the case, and accordingly the court has conducted a careful review of the magistrate judge's recommendation.

After such careful review, the court determines that recommendation of the magistrate judge is fully consistent with and supported by current law. Further, the brief factual background and recitation of issues is supported by the applicable pleadings. Based on such determinations, the court will fully affirm the Memorandum and Recommendation and grant relief in accordance therewith.

## **ORDER**

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation (#10) is AFFIRMED, defendants' Motion for Summary Judgment (#8) is GRANTED, plaintiff's Motion for Summary Judgment (#7) is DENIED, and the final decision of the Commissioner is AFFIRMED.

The Clerk of Court shall enter judgment in accordance with this Memorandum of Decision.

Signed: May 15, 2012

Max O. Cogburn Jr.
United States District Judge